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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 02-00225 DAE
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
ANDY S.S. YIP, (01))	
BRENDA M. O. CHUNG, (02))	
)	
Defendants.)	
)	

ORDER

On February 28, 2007, the motion of the United States to disqualify Howard Chang, Esq. from any further participation in the defense of Andy S.S. Yip came on for hearing in this Court. The Defendant Andy S.S. Yip was present and represented by Howard Chang, Esq. The Defendant Brenda M. O. Chung was present and represented by Howard Luke, Esq. The United States was represented by Leslie E. Osborne, Jr., Assistant United States Attorney.

The Court having reviewed the pleadings in this matter and heard the argument of counsel:

IT IS ORDERED that the parties to this proceeding submit their respective positions to the Disciplinary Board of the Hawaii Supreme Court for an advisory opinion as to the propriety of Howard Chang, Esq., J.D. 1695, providing continued representation to Andy S.S. Yip in the present proceedings, in view of the possibility of a conflict arising between Mr. Chang and his client. The Court will consider the advisory opinion issued by the Disciplinary Board of the Hawaii Supreme Court in its own decision concerning the propriety of further representation in this matter by attorney Chang.

IT IS FURTHER ORDERED that the trial of this matter be continued to August 14, 2007, as the motion for disqualification has been taken under submission by this Court awaiting the opinion of the Disciplinary Board of the Hawaii Supreme Court and such other pleadings as the parties may wish the Court to entertain.

IT IS FURTHER ORDERED that the trial of this matter will be continued until August 14, 2007, at 9:00 a.m., before the Honorable David Alan Ezra, United States District Judge. The final pretrial conference is scheduled for July 16, 2007, at 10:00 a.m., before the Honorable Kevin S.C. Chang, United States Magistrate Judge.

All time from March 6, 2007, to and including August 13, 2007, shall be deemed excluded from computation pursuant to the Speedy Trial Act, in that the ends of justice served by the granting of such continuance outweigh the best interest of the

public and the Defendants in a speedy trial and specifically guarantee the Defendants continuity of counsel and the possibility of the Defendant Andy S.S. Yip maintaining counsel of his choice, in accordance with 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv). This case is also deemed to now represent additional novel questions of law and fact that require it to be considered complex within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii).

DATED: Honolulu, Hawaii, March 16, 2007.





David Alan Ezra
United States District Judge

United States v. Andy S.S. Yip, et al.
Cr. No. 02-00225 DAE
"Order"